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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PUBLIC SAFETY COMMITTEE

DENNIS DUNNE, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, February 9, 2015
1:46 P.M

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2 A P P E A R A N C E S :

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4 DENNIS DUNNE,
 Chairman5 DONALD MACKENZIE,
 Vice Chairman

6

VINCENT MUSCARELLA

7

DENISE FORD

8

9 LAURA CURRAN,
 Ranking

10 JUDY JACOBS (substituting)

11 KEVAN ABRAHAMS

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LIST OF SPEAKERS

SCOTT TUSA,
Nassau County Fire Marshal.....6

TANYA LUKASIK, public comment.....8

DOMENICA CALIFANO, public comment.....32

PATTI AMBROSIA, public comment.....40

MICHAEL MULHALL, public comment.....41

JOHN BUDNICK, public comment.....45

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2 CHAIRMAN DUNNE: Calling the
3 Public Safety Committee to order. I'll act
4 as clerk and call the roll. Minority Leader
5 Kevan Abrahams?

6 LEGISLATOR ABRAHAMS: Here.

7 CHAIRMAN DUNNE: Ranking Member
8 Laura Curran?

9 LEGISLATOR CURRAN: Here.

10 CHAIRMAN DUNNE: Legislator
11 Denise Ford?

12 LEGISLATOR FORD: Here.

13 CHAIRMAN DUNNE: Legislator
14 Vincent Muscarella?

15 LEGISLATOR MUSCARELLA: Here.

16 CHAIRMAN DUNNE: Vice Chair
17 Legislator Donald MacKenzie?

18 LEGISLATOR MACKENZIE: Here.

19 CHAIRMAN DUNNE: And I'm here as
20 Chairman. We have a quorum. We have one
21 item on today. And Judy Jacobs is subbing
22 for the vacant seat.

23 LEGISLATOR JACOBS: I'm taking
24 one of the minority seats for this
25 committee.

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2 CHAIRMAN DUNNE: Thank you. We
3 have a full house. Legislator Judy Jacobs
4 is here. The first item to come before us,
5 we have to entertain a motion to suspend the
6 rules.

7 LEGISLATOR FORD: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN DUNNE: So moved by
10 Legislator Denise Ford, seconded by
11 Legislator Vincent Muscarella. All those in
12 favor of suspending the rules indicate by
13 saying aye.

14 (Aye.)

15 Any against?

16 We suspended the rules.

17 The item coming before us is Item
18 82-15, an ordinance to require owners,
19 lessees, tenants and occupants of commercial
20 real property that abut county roads to
21 remove snow and ice from the paved
22 sidewalks.

23 LEGISLATOR FORD: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRMAN DUNNE: Motion by Denise

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2 Ford, seconded by Vincent Muscarella. Any
3 questions by the legislators on the item?
4 Legislator Laura Curran has a question. Is
5 there anybody here to discuss it?

6 This is generated by the
7 majority, this legislation, and, yes, sir,
8 read your name and your department.

9 CHIEF TUSA: Scott Tusa, Chief
10 Fire Marshal, Nassau County.

11 CHAIRMAN DUNNE: Yes. Legislator
12 Laura Curran has a question.

13 LEGISLATOR CURRAN: Yes. First a
14 comment. I guess we all agree that this is
15 very well timed because I'm sure you're all
16 getting a lot of calls, as am I, who is
17 responsible for enforcement of shoveling
18 sidewalks on county roads. We think it's
19 the town. The town thinks it's us, or is it
20 the LIRR who is in charge? So this is great
21 that this is before us today.

22 I had a conversation with the
23 majority earlier, just to be clear, the
24 marshals will be in charge of the
25 enforcement?

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2 CHIEF TUSA: That's correct. I
3 have been asked to take on the enforcement
4 of it. The reason being, most of the
5 businesses, as it is, on a daily basis we
6 are visiting businesses and we can either
7 find the situation or receive a complaint
8 and deal with it accordingly.

9 LEGISLATOR CURRAN: This does not
10 apply to homeowners?

11 CHIEF TUSA: No.

12 CHAIRMAN DUNNE: Legislator
13 Denise Ford.

14 LEGISLATOR FORD: Commissioner
15 Tusa, thank you very much for having the
16 fire marshals become the enforcers of this
17 issue because it's something that has been a
18 long time coming.

19 We have been trying to get this
20 instituted where we can then enforce
21 businesses, and hopefully one day will have
22 residents also complying to clean their
23 sidewalks off because it has been a safety
24 hazard for many of the residents who live
25 throughout Nassau County.

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2 So I want to thank you very much,
3 and I also want to thank my counsel who
4 worked so very hard on this and made sure we
5 got to this point and I look forward to it
6 being passed and to the enforcement of it.
7 Thank you.

8 CHAIRMAN DUNNE: Are there any
9 other legislators with any comments?

10 (No verbal response.)

11 Is there any public comment?
12 Turn the mike on and read your name, ma'am,
13 into the record.

14 MS. LUKASIK: Tanya Lukasik. I'm
15 from Operation Stomp, a community based
16 organization. I have just a quick
17 discussion. I'm a Nassau County resident.
18 I'm also the director of the community
19 organization, Operation Stomp, an
20 organization of over 1,200 members is
21 extremely perplexed regarding the tremendous
22 disconnect and double standard that
23 presently exists at the moment on our county
24 roadways. County roadways, where millions
25 of dollars were spent to excessively remove

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2 trees and replace concrete sidewalks under
3 the header of accessibility only to, at
4 present, these same sidewalks are impassable
5 with feet of snow leading to a pedestrian
6 being fatally struck on County Road West
7 John Street on January 28.

8 A resident of Woodmere recently
9 recounted a story where her son was forced
10 to walk in the street of Peninsula
11 Boulevard, a county road, on his way to
12 Woodmere Middle School. Residential and
13 commercial property owners failed to clear
14 the snow on these roadways.

15 I point out this story not just
16 because of the public safety hazards present
17 on the county road, but also because of the
18 systemic failure revealed at the county
19 level when she attempted to address this
20 situation.

21 In her own words, Woodmere Middle
22 School said they couldn't help. The Fourth
23 Police Precinct said it was a town issue.
24 The town said it was a county road. The
25 county department of public works said they

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2 don't do sidewalks. I called Ed Mangano's
3 Office and I was told that the Town of
4 Hempstead can not enforce their own snow
5 removal rules on county road sidewalks.
6 Mr. Mangano's representative, Doug, said
7 that pedestrians just need to be careful.

8 This is unacceptable. It is also
9 backward. Language of this sort, directives
10 of this nature, the endless cycle of
11 shifting responsibility leaves maintenance
12 and clearance of sidewalks on county roads
13 completely unaddressed, unenforced, and
14 neglected, both for commercial and
15 residential property owners as well as for
16 municipally owned land, including sums and
17 parks.

18 This ordinance today is designed
19 to provide a directive for commercial
20 property abutting county roads, however,
21 unfortunately, it only addresses half of the
22 pressing urgent problem.

23 Almost every county road in
24 Nassau holds a highbred of commercial and
25 residential property. Four issues arise.

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2 County roads are not properly identified
3 with signage. The public is unaware of
4 which roadways are deemed county roadways
5 and who is responsible for clearance and
6 maintenance;

7 Number two, the administrative
8 code has not been updated on line since
9 2010. It does not include links to updated
10 associated local laws or any ordinances on
11 record. An ordinance is useless if the
12 public doesn't know it exists nor can it
13 obtain information about its clauses.

14 Commercial and residential
15 property, front and back, faces county
16 roads. This ordinance does not specify how
17 it will address this. Does this ordinance
18 include back facing property? Does it
19 include property that abuts the roadway?
20 Who is responsible for curve ramp clearance?
21 Same goes for crosswalks.

22 An overwhelming majority of
23 residential property back faces these
24 roadways rendering snow removal clearance
25 and maintenance that much more complex and

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2 virtually impossible.

3 It is unreasonable for residents
4 to be expected to clear these sidewalks and
5 this ordinance only one sidedly addresses
6 commercial property.

7 I have several questions I want
8 to pose. First, where will this ordinance
9 be housed, where will it be located? How
10 can residents, commercial property owners
11 access it?

12 Number two, how are violations
13 communicated to the fire marshal by the
14 public?

15 Number three, how will the county
16 actively monitor sidewalk conditions?

17 Number four, how will the county
18 enforce its own ordinance for violators?

19 Number five, how is the county
20 addressing the issue of snow clearance on
21 residential property abutting roadways? I
22 know someone just mentioned that this was a
23 step in the right direction, but the reality
24 is, somebody was killed on January 28th
25 because residential and commercial property

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2 owners did not clear their sidewalks.

3 To date, does an ordinance exist
4 for residential property owners, and, if
5 not, how do we get to that point?

6 CLERK MULLER: Your three minutes
7 have expired.

8 CHAIRMAN DUNNE: Thank you for
9 your comments. They are taken under
10 consideration. Right now this is the only
11 thing that we can do that we are sure that
12 we can enforce, and we do have the
13 enforcement with the fire marshal's office,
14 so half of your questions have already been
15 answered by our little presentation.

16 But we are looking into the
17 residential also. Right now we don't have
18 the answers on that, but, until we do, we
19 can't produce legislation that wouldn't
20 stick. We can't just make stuff up.

21 MS. LUKASIK: Sure. Of course.
22 And I know this discussion about county
23 roadways has been going on. You can check
24 Newsday archives for over 15 years. The
25 fact that somebody had to die for this for

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2 it to actually come to the table is
3 unacceptable.

4 CHAIRMAN DUNNE: That's not the
5 reason it came to the table. Legislator
6 Denise Ford has been working on this for a
7 long, long, long time. Legislator Ford.

8 LEGISLATOR FORD: Thank you very
9 much for coming here. First of all, this
10 just deals with the enforcement, who is
11 going to enforce, the towns, the cities will
12 enforce their own.

13 But it is a law that everybody
14 must clear their sidewalks whether or not
15 you are residential, everybody is supposed
16 to.

17 MS. LUKASIK: I understand that.
18 But, right now, can somebody show me online
19 or give me a document that says where that
20 law is and how somebody can access it? I
21 spent hours yesterday trying to find
22 information and couldn't find anything.
23 There is nothing listed on the fee
24 structures for the Nassau County website.
25 The ordinance only goes back for three

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2 years. These ordinances were put in place,
3 the original local laws, back in the '80s.

4 LEGISLATOR FORD: What happened
5 was, and I know you're frustrated, do you
6 know how frustrated I am? I have been
7 trying to get this to this point for 10
8 years now, okay? This was from the previous
9 administration when this was abandoned, like
10 it used to be when the towns would do it,
11 and then they realized that they didn't have
12 jurisdiction over sidewalks abutting county
13 roads. So they stopped the enforcement and
14 they just enforced their own roads.

15 So, it was like you said, going
16 back and forth, going back and forth, trying
17 to find who would be responsible, trying to
18 find it, working with the administration,
19 trying to get it done, and finding out who
20 could enforce it, looking at different
21 entities within the county government and
22 that's why I thanked Scott Tusa for the fire
23 marshal stepping up and that they would then
24 enforce us.

25 Yes, this is frustrating. I

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2 would like to see both commercial and
3 residential, but we have to start somewhere
4 and right now it's commercial. We can at
5 least go out, the fire marshals are out
6 there. Let's just see how the program
7 works. And the residents themselves are --
8 everybody is supposed to clear their
9 sidewalks. I know I clear mine all the
10 time.

11 MS. LUKASIK: Residents were also
12 supposed to repair the sidewalks that were
13 damaged by tree roots and didn't. The
14 county was supposed to enforce its own
15 administrative code regarding sidewalks and
16 preventively repair them and then bill the
17 residents, that didn't happen. Then we
18 overload the code.

19 LEGISLATOR FORD: And I'm not
20 going to argue with you about that because I
21 agree. I have seen it. We are trying to
22 get things done little by little but we
23 always have to move in the right direction.
24 I believe at this point we finally are.

25 This is something that, let's see

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2 how it is, and next year I'm hoping that you
3 will be back up here and we can talk about
4 the residential enforcement.

5 MS. LUKASIK: I don't know if we
6 have time for next year. I mean, how many
7 people need to be hit or killed before this
8 happens again? The ordinance is vague and
9 sparse. The enforcement piece, which is
10 what the resident from Woodmere experienced
11 is something, there is an issue between the
12 towns and county. I spoke to the people at
13 the town of Oyster Bay and they mentioned
14 that they can't touch county roadways or the
15 sidewalks. They have their own code
16 enforcement agency and the county does not.

17 LEGISLATOR FORD: That's why we
18 have ours now.

19 MS. LUKASIK: And the fire
20 department, I applaud them for taking up
21 this initiative, but it seems to me this is
22 going to be a very daunting task. What are
23 the procedures for a resident, let's say I
24 live next to a commercial property and that
25 sidewalk is not cleared, where do I go to,

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2 do I call the fire department?

3 LEGISLATOR FORD: I get phone
4 calls from many residents and that's why, so
5 I know, and now I know I can call the fire
6 marshals to let them know that such and such
7 a property, say, like on Oster Boulevard,
8 like I have, whatever, is not cleared, send
9 somebody out. They can go out and do the
10 inspection. If it's not cleared, give them
11 a fine. Because, obviously, if they are not
12 clearing it, then if you have to pay to
13 clear it then you're going to start making
14 sure that in the future you will always keep
15 your sidewalks clear,

16 MS. LUKASIK: So then that goes
17 back to just the information piece, how are
18 we informing commercial property owners that
19 this ordinance exists and that we're going
20 to start enforcing it and also that they are
21 on a county road? Because the reality is,
22 most people don't know which county roads
23 are county roads.

24 LEGISLATOR FORD: It will be
25 published. But, I mean, everybody is

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2 supposed to clear their sidewalks.

3 MS. LUKASIK: The reality is,
4 it's not happening, and the reality is that
5 the ordinances that are on there to date and
6 the local laws are basically not in a place
7 where somebody can publically access them
8 very easily.

9 LEGISLATOR DUNNE: Now we have
10 some teeth to the law and we have an
11 enforcing agency. So it will be happening.
12 And the abutment part that you were asking
13 about, even if it's the back of a store or a
14 commercial piece of property, that has to be
15 done, whether it's commercial or not, if
16 it's the back -- anything that abuts the
17 property on county roads --

18 MS. LUKASIK: Logistically that
19 brings up just another issue. On these
20 county roadways they are mostly four lane
21 roads. There's lots of snow. The plow
22 comes by and they take the snow and they
23 push it to the sidewalks where the fences
24 are and you have four to five feet worth of
25 snow drifts.

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2 To have a person, either property
3 owner, residential, commercial, whoever it
4 is, go out with the shovel in these areas
5 where the next door neighbor might not have
6 shoveled or the county hasn't cleared the
7 accessible on ramps, it's almost impossible
8 for them to do that task.

9 To go on a county road, like
10 South Oyster Bay Road or Old County Road, or
11 somewhere where it's really busy, and the
12 cars, where there's 20 to 50,000 cars a day,
13 to have people out there shoveling is not
14 really realistic. It's not going to happen.
15 And to enforce it is not really fair for two
16 reasons: You're putting those people at risk
17 for safety issues, and, number two, the
18 county also --

19 CHAIRMAN DUNNE: The counties do
20 it and the school districts do it, so --

21 MS. LUKASIK: The best thing to
22 do, if it were me, let's say, using South
23 Oyster Bay Road, is to use the county
24 resources, equipment that the regular
25 homeowner or property owner, residential or

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2 commercial property owner, might not have,
3 to get these sidewalks cleared. It's not
4 happening.

5 On South Oyster Bay Road, the
6 commercial properties that cleared their
7 areas were the library in Syosset, the
8 Midway Jewish Center and the Fire
9 Department. They had resources. The others
10 didn't. How do you get this accomplished?

11 LEGISLATOR FORD: The only thing
12 I can tell you is, I'm going to be sending
13 out this notice to all my chamber of
14 commerces, so that they can let their local
15 business members know that this ordinance
16 has been passed and this law will be
17 enforced to clear their sidewalks.

18 MS. LUKASIK: I think it would
19 just be easier for the county to take -- I
20 mean, in severe snowstorms where you're
21 seeing feet of snow, to rent the equipment,
22 use their equipment that they have, create
23 an emergency contract to clear the
24 sidewalks. We had an issue where we ripped
25 out trees. We had to get the sidewalks

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2 because it was an emergency. Everybody was
3 on notice for the last two weeks. So this
4 is a situation of an emergency and how we
5 can get the county to get clear.

6 Also, the other piece of this
7 too, New York City, Suffolk County, they
8 have an item in their ordinance that says,
9 if these commercial owners do not clear the
10 snow, then we, as the county, will take on
11 the responsibility and bill them back.

12 LEGISLATOR FORD: And bill them
13 back.

14 MS. LUKASIK: That's not in this
15 ordinance right now. So, sending out a
16 violation is one thing. And sending out a
17 fee for \$100 might be another, but that's
18 not going to address the problem.

19 LEGISLATOR FORD: If we have to
20 change it, we have to change it.

21 CHAIRMAN DUNNE: Well, right now
22 the tenant or landlord, they have contracts
23 or leases that provide for the cleaning of
24 the parking lot and the sidewalks. That's
25 in their leases usually. Every store I've

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2 been to, they complain about the landlords
3 not doing it or whatever, but there is a
4 mechanism.

5 If they start getting fined, they
6 will, and the fine is high enough where --
7 not \$100, its \$250 a day.

8 MS. LUKASIK: I think \$180 is
9 what I read.

10 CHAIRMAN DUNNE: \$250 a day. So
11 it's going to amount up and they're going to
12 get it done. And there are so many people
13 out there that have businesses that do the
14 cleanup. They are waiting for work to do.

15 We are trying to address it.
16 There's a lot of problems. We are
17 witnessing it today, this whole last week,
18 and we will probably be witnessing it in the
19 next couple of weeks too.

20 But we are trying to address it.
21 Like you said, the first step, we're trying,
22 we're getting it done as legal as possible
23 so we won't be fought in court and lose, we
24 don't want to waste time and waste -- you
25 know, think we're doing the right thing and

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2 end up with mud on our face. We're trying.

3 This law we know will stand the test.

4 MS. LUKASIK: One other question.

5 CHAIRMAN DUNNE: One second

6 before your next question. Legislator Judy

7 Jacobs.

8 LEGISLATOR JACOBS: I just want

9 to say one thing to you. We definitely do

10 have a problem with all of this including,

11 Legislator Dunne, including even raised

12 sidewalks. The bottom line is, the county

13 gives notice to homeowners along these roads

14 and then penalizes them or fixes the

15 sidewalk. I'm not talking about snow for a

16 moment, but penalizes them, fixes the

17 sidewalk, and then puts either a lien on the

18 house or whatever the homeowner arranges

19 with the municipality.

20 The bottom line is, along county

21 roads, not necessarily along south Oyster

22 Bay Road because we have a lot of houses

23 that face it, but most county roads, the

24 houses back up to it. They have no idea

25 they're responsible for it. The speaker

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2 just said something which is absolutely the
3 truth, in these heavy snowstorms, the snow
4 is feet tall.

5 Also, the claims that come into
6 our legal office, I don't know how many of
7 us are aware of it are astounding, because
8 all the PVC fences, when the snow is thrown,
9 come down. Not the wooden fences, not the
10 ones with brakes in them, but the PVC
11 fences. It's like hitting something with a
12 hard hammer and they all come down.

13 So I think we really need to look
14 at this on a much more comprehensive level.
15 I don't know if -- I happen to agree with
16 the speaker. I don't think it's fair for
17 the homeowner, impossible, really, where the
18 snow is standing this high because it's been
19 thrown there.

20 But, then you have another
21 situation where the county is, it's costing
22 the county money for the way it's thrown --
23 and I'm not saying that our guys don't work
24 so hard during this, but there's got to be a
25 medium there that we reach -- and I'll tell

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2 you another place where it's become a
3 problem. The NICE bus people who are
4 standing in the street, which I have seen
5 six or seven people standing in the street.
6 During the day, you hope the drivers are
7 aware of it, and, looking at night, it's
8 almost impossible.

9 I really think this is something
10 we, as a legislative body, considering we
11 all have the same problems, should take up
12 because it's so multifold in the way it
13 affects the living in these areas. I'm
14 telling you the truth. Honestly. I went
15 through it. I had all the PVC fences along
16 an entire area of Woodbury Road down. The
17 County Attorney's Office were wonderful.
18 They said have them file claims, but all
19 that cost us money anyway. There might be a
20 way we can do this where we are not creating
21 what we're creating. Something good to
22 think about. Thank you.

23 CHAIRMAN DUNNE: All valid,
24 valid, valid things that we are attempting
25 to address. This is just like you said and

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2 like we said, it's the first part of trying
3 to -- this has been a problem my entire
4 life. I have been here 64 years and the
5 last 35 I have been on a main road. I'm at
6 a crossing area. Fortunately for me, my
7 neighbor has a snowblower, my son comes with
8 his snowblower. The guy across the street
9 helps out. I'm fortunate, I have people
10 that help. There are people that don't have
11 help to clear a place on a main road.

12 So, we are trying to be fair to
13 the residents but also fair to the people
14 that have to use the sidewalks.

15 MS. LUKASIK: I think what
16 Legislator Jacobs was saying too goes for
17 our community group and I think working
18 together with the community at this point is
19 imperative for a lot of different issues
20 that arise on county roadways, that includes
21 involving the community.

22 I was able to get a copy of this
23 ordinance because I know a couple of people
24 beforehand, but I can tell you that all the
25 members of my group, and most residents in

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2 these neighborhoods don't know how to do
3 this. They don't know that these meetings
4 happen and these are being proposed.

5 Something that might make sense
6 going forward is talking to the
7 stakeholders, the people that actually live
8 on this roadway and the civic organizations,
9 all of them, and the community groups that
10 are working to tackle this before proposing
11 or writing up an ordinance that you're going
12 to put on record and then not really be able
13 to adopt or change.

14 CHAIRMAN DUNNE: This is going to
15 work, but for the rest of the problem we
16 look forward to absolute -- your input on
17 resolutions to this if anybody in your group
18 has some kind of thought to resolve this,
19 please let us know because we will try to
20 incorporate it into our next piece of
21 legislation a resolution of this problem.

22 MS. LUKASIK: Can this be edited
23 or adopted or changed going forward?

24 CHAIRMAN DUNNE: It can always be
25 amended. Everything gets amended.

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2 MS. LUKASIK: And just the bus
3 stops. I know that NICE Buses and the MTA
4 buses, whatever they are, you have bus stops
5 especially in Bethpage where they're
6 completely blocked. You can't even stand.
7 And to get to them you would have to walk in
8 the roadway. Who is responsible for
9 clearing those?

10 CHAIRMAN DUNNE: We will have to
11 check that out, because there is one across
12 the street from my house and they are
13 standing in the street too. And they always
14 have for years and years and years.

15 MS. LUKASIK: The residents that
16 I have spoken to, and I've spoken to
17 probably close to 100 at this point, the
18 information on who clears bus stops, who
19 clears the Long Island Railroad parking
20 lots, and also the county sumps, a lot of
21 them line county roadways and they're not
22 being cleared. There is one in Old Bethpage
23 on Round Swamp Road that is adjacent to a
24 school and parents have to walk their
25 children to school in the street right now.

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2 So I don't know if that's also something.

3 The last piece too, the
4 overpasses by the Northern State. Right now
5 there's only a small space where you have
6 sidewalk to begin with, those are completely
7 impassable. I watched a woman walking on
8 South Oyster Bay Road on Saturday, I don't
9 know how she was going to physically cross
10 the overpass because there is no shoulder.
11 So, when you talk about this, it's four feet
12 of snow. So she would have to go the same
13 way as a car. Is the county responsible for
14 that as well?

15 CHAIRMAN DUNNE: Let me tell you,
16 there was a senior center and they used to
17 have to go from their senior center to go
18 shopping. So I had the guys at the jail
19 come in and do the shoveling. We didn't
20 have the manpower to do it.

21 Then we found out, for insurance
22 purposes, we weren't allowed to use the --
23 because the guys in jail want to get out
24 because of the fresh air. These are low
25 crime criminals, guys that haven't paid

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2 child support, DWIs, and stuff like that.
3 So they were able to go out and shovel for
4 us, but they're not allowed to do that
5 anymore, so we're going to try to find a way
6 to get this -- because there are so many
7 areas like you're talking about, and, if you
8 think about, you're going to find more. But
9 we are trying to address it. It's a huge
10 problem, but keep giving us the input and
11 let your legislator know, or let us know,
12 let Norma Gonsalves know so we can
13 incorporate whatever your resolutions are.

14 MS. LUKASIK: If I were to email
15 you, to find out the information about the
16 specifics that I talked about, would I then
17 be able to get the information?

18 CHAIRMAN DUNNE: I don't even
19 know your name because you didn't put a slip
20 in.

21 MS. LUKASIK: I did. I gave it
22 to her. This is the second time. I took a
23 picture of it if you need it.

24 CHAIRMAN DUNNE: Thank you so
25 much.

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2 MS. LUKASIK: I'll email you
3 about that piece and, just so we all know,
4 where will this ordinance be housed? Will
5 it be listed on the Nassau County website?

6 CHAIRMAN DUNNE: Yes. Once it
7 gets passed, it goes on the website.

8 MS. LUKASIK: Thank you.

9 CHAIRMAN DUNNE: Thank you. Now
10 Dominica Califano.

11 MS. CALIFANO: Yes. Speaking
12 about the snow removal in Nassau/Suffolk,
13 whatever. We're having severe problems in
14 Island Park, in the Oceanside area, due to
15 the county, the Town of Hempstead. They
16 come around on Long Beach Road, it's 360 and
17 362 Long Beach Road. The plow almost ran
18 over the guy that was removing the snow.

19 They come down the street, on
20 Pool Street with their plows like animals,
21 going to plow the street. The snow that was
22 removed off the sidewalks were thrown right
23 back, crashed into curbs. One of your plow
24 trucks had a crash up with a car on Long
25 Beach Road and Windsor Parkway. They drive

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2 like crazy people, these plows.

3 Maybe they can move over, away
4 from the sidewalk a little more? The
5 homeowners, the residents are removing snow,
6 and these plows are coming at full force, if
7 there's no cars there, they're throwing all
8 the snow right back onto sidewalks. It's
9 unsafe for the residents. It's not just
10 about the commercial owners of the property,
11 it's about your drivers or the vehicles.
12 Maybe they need new lessons, maybe they need
13 driving lessons how to plow. It's really
14 dangerous the way they're driving. On the
15 roads against other people's cars. Maybe
16 everyone can speak about it and try to see
17 if it's -- it's not just the homeowners,
18 it's your drivers also.

19 If people are removing snow off
20 the sidewalk, your drivers are throwing the
21 snow right back on.

22 There's a parking lot in the Town
23 of Hempstead behind my building in Oceanside
24 on Long Beach Road, we have a thing that you
25 go downstairs into the basement. The plow

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2 comes by there. I just had all the snow
3 removed in the back, in the front of the
4 building, the plow came and shoved all the
5 snow on it. I went over to the gentleman
6 that drives, M-11 was his truck number, and
7 I asked him, I said, excuse me, you just
8 plowed back all the snow to my tenant's
9 offices, to my building. He goes, there is
10 nothing I can do. Where do you want me to
11 throw the snow? Then he took off. Coming
12 around the corner, almost running over the
13 gentleman that was removing the snow. So
14 maybe you can talk to your drivers of their
15 vehicles besides the homeowners to remove
16 the snow.

17 LEGISLATOR JACOBS: I have to
18 tell you, I understand what you're saying.
19 These plow drivers work phenomenally. You
20 have to understand that we have county roads
21 that emergency vehicles have to go through,
22 et cetera. This is not an easy problem.
23 That's why, as Legislator Dunne has been
24 telling you, it's been going on for a long
25 time. They have got to clear the roadways

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2 to get people to have the ingress and
3 egress.

4 Bottom line is, you're right. At
5 times, it ends up on the sidewalk, very
6 piled up and there's got to be some in
7 between. The city does something very
8 different. They have a dump truck in front
9 of the plow. They dump it in and throw it
10 into the Hudson River or whatever. That's
11 why it always looks clean in the city. It's
12 not that the snow miraculously disappears.
13 They actually truck it away.

14 The honest to goodness truth is,
15 if this was an easy fix, I would agree with
16 you, something has got to be done, but it's
17 not the plow drivers. They work
18 unbelievable hours.

19 I mean, I came to work at 8:30
20 this morning and Woodbury Road, South Oyster
21 Bay Road, everything was passable and down
22 to pavement. I have to tell you, that
23 doesn't just happen.

24 At the same time, what you're
25 saying is a very serious problem. So we

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2 have to look at it from all different
3 angles.

4 MS. CALIFANO: I understand the
5 city removes their own snow there, but I'm
6 not saying on Long Island. But, then you
7 are expecting a homeowner that owns the
8 property to remove the snow, but then you
9 get the plow coming and putting another
10 whole bunch -- I have workers there every
11 month. They'll go two to three times a day
12 to make sure that the sidewalks are done,00
13 but it isn't fair to some homeowners that
14 have to pay additional because the driver is
15 not going -- maybe if they didn't go to
16 close to the curb -- and I know they want to
17 get it off the --

18 LEGISLATOR JACOBS: If they don't
19 go close to the --

20 MS. CALIFANO: It's the walkway
21 for the people too.

22 LEGISLATOR JACOBS: If they don't
23 go close to the curb, then there is no way
24 the two lanes on each side can exist. I'm
25 not disagreeing with you. I'm with you and

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2 I know this is a problem. But it's not the
3 problem because of the drivers. It's a
4 problem as to what we do along the sidewalks
5 after the plowing. That's more of the
6 problem right now.

7 MS. CALIFANO: Just not for them,
8 maybe they can let them know, do not block,
9 because these are their fire exits.

10 LEGISLATOR JACOBS: I guess they
11 are trying to clear as many roads, hundreds
12 of miles of roads, remember, as quickly as
13 they can.

14 Listen, I happen to be a very big
15 supporter of our Public Works Department. I
16 know how hard people work there and I know
17 for the most part, they are doing a
18 phenomenal job, especially during these snow
19 storms. These are secondary problems that
20 are very real, especially when you hear
21 someone has been hurt or killed because
22 they're in the street. So it definitely
23 needs our attention, and it's important that
24 you brought it before us.

25 MS. CALIFANO: It's very

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2 important. I'm a homeowner, I'm a resident.
3 I don't -- it works both ways for everybody.
4 But if the county works with us homeowners
5 that have the property to remove -- there is
6 some homeowners or owners of commercial
7 property that are just dead beats that don't
8 want to remove anything. So hopefully
9 they'll get fines and this way they'll
10 remove for the safety of the people.

11 LEGISLATOR JACOBS: I understand.
12 Thank you.

13 CHAIRMAN DUNNE: Thank you so
14 much. Thank you, Judy, for your comments,
15 and thank you, ma'am, for your comments. We
16 will consider them in our next piece of
17 legislation. Legislator Curran.

18 LEGISLATOR CURRAN: Thank you. I
19 want to thank Legislator Denise Ford for
20 shepherding this through. I didn't realize
21 that you had been working on this for ten
22 years. So, congratulations, because this is
23 really desperately needed.

24 Just a quick question. I assume
25 that the administrative code will be updated

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2 to reflect this ordinance?

3 CHAIRMAN DUNNE: Yes.

4 LEGISLATOR CURRAN: Thanks.

5 LEGISLATOR FORD: And,

6 Legislator Curran, as we had heard from
7 previous speakers, this is the beginning of
8 it and, as always, we can always work
9 together to see how we can enhance this.

10 Then, also, to take into
11 consideration, I agree with Legislator
12 Jacobs that I do support our drivers and
13 those who plow. At five o'clock this
14 morning, I saw our guys out in East Atlantic
15 Beach and Atlantic Beach sanding the
16 roadways. We didn't get the snow, we just
17 got ice. I was amazed that they were
18 already down there working and everything
19 and it is something that they do all hours
20 of the night.

21 I think too, when we talk about
22 the plowing, and we say -- and trust me,
23 nothing is worse than digging out your car
24 and then have the plow come down and put the
25 snow right back on it, it's a lot of crazy

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2 exercise. We all fall victim to that.

3 But, just as they have to plow
4 hundreds of miles of road, they also do it
5 and then have to do another circle, they
6 have to go around again, because if it keeps
7 on snowing, these men and women are out
8 nonstop making sure that our roadways are
9 clear.

10 But, hopefully, one day we can
11 come to find out how we can get the
12 intersections cleared and all the pathways
13 and everything.

14 LEGISLATOR CURRAN: Well, this is
15 a great first step.

16 LEGISLATOR DUNNE: Yes, thank
17 you. Are you Patti Ambrosia?

18 MS. AMBROSIA: I am.

19 CHAIRMAN DUNNE: The floor is
20 yours.

21 MS. AMBROSIA: Patti Ambrosia. I
22 just want to know when it's going to take
23 effect?

24 CHAIRMAN DUNNE: It has to pass
25 the leg.

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2 MS. AMBROSIA: Is it two weeks?

3 CHAIRMAN DUNNE: Right now it's
4 the Public Safety Committee. It passes us.
5 And in two weeks it goes to the Full Leg.

6 MS. AMBROSIA: So approximately
7 two weeks this can start happening?

8 CHAIRMAN DUNNE: The effective
9 date is immediately upon passage. So if in
10 two weeks we pass it in the Full Leg it goes
11 into effect immediately. So we'll get the
12 word out to all the businesses, and then the
13 county executive, of course, he has to sign
14 it.

15 LEGISLATOR FORD: And I just want
16 to say thank you to Patti Ambrosia because
17 she has made this something that she's very
18 involved in and kept the heat on until we
19 got to this point. Thank you, Patti.

20 CHAIRMAN DUNNE: We have another.
21 Read your name into the record.

22 MR. MULHALL: Sure. Michael
23 Mulhall, Rockville Centre. I want to thank
24 the other citizens who spoke so eloquently
25 about an important topic.

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2 All I want to offer is the idea
3 that we might want to consider amending the
4 code for a larger fine. Because I think
5 there's potentially a gap here that's been
6 exposed and that is with NICE being the new
7 public-private partnership that's worked
8 fairly well, in terms of saving the
9 taxpayers money, the MTA, for anyone who
10 rides the Long Island Railroad, knows that
11 they have a SWAT team that goes out and
12 shovels and snow blows and drops salt and
13 makes sure that all of the platforms and
14 surrounding areas by Long Island Railroad
15 are consistently cleared.

16 But I think the points that the
17 folks are making about commercial
18 properties, but, in particular, the NICE bus
19 stops, I think that that may be a gap.
20 Obviously, while well intentioned, I don't
21 think it behooves the county to take on the
22 responsibility of clearing that. It would
23 be too expensive.

24 I do think that if we increase
25 the fine sufficiently to, say, a four or

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2 \$500 fine, by raising the fine to that
3 level, you would incentivize the owners to
4 either individually get a snow blower worthy
5 of that property, or to pitch in and work
6 together collaboratively to have one that
7 they would be able to clear the property.

8 CHAIRMAN DUNNE: Mr. Mulhall,
9 just so you know, the law is \$250 per day,
10 per piece of property.

11 MR. MULHALL: Make it -- you know
12 what? I think one of the other people
13 speaking raised a good point. Sometimes
14 this goes on a day or two and they get
15 there, and this may become just the cost of
16 business. I think our real goal here is to
17 get them to clear the property the minute
18 the snowfall stops or during.

19 You have senior citizens. I live
20 close to the Village of Rockville Centre. I
21 clear my property. I bought a snowblower a
22 couple of years ago. I get it serviced
23 annually. It's the cost of doing business.
24 My property is cleared within an hour
25 typically, and I know that the county public

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2 works, whether it's Nassau County, Town of
3 Hempstead, or the Village of Rockville
4 Centre, the snow plows come by and they can
5 block off the corner access or driveway
6 access, and so only with the beauty of a
7 snowblower you can go through a foot or two
8 feet of snow and remove it easily.

9 For some of our commercial
10 properties in the village, the village does
11 a good job of policing it. But I would say
12 that some of the commercial businesses on
13 Sunrise Highway tend to get away with more.

14 I think if you increase that fine
15 you will increase the pressure on them to
16 make sure they get it done the day of and
17 you will also put the appropriate pressure
18 on NICE to ensure that the conditions that
19 some of the other citizens spoke of are
20 mitigated.

21 CHAIRMAN DUNNE: Mr. Mulhall, we
22 will take that under consideration for an
23 amendment, but for right now we are going to
24 pass it as is so we can get it through and
25 then we can always amend it. But we're

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2 going to look into that. Thank you so much.
3 I appreciate your comments.

4 The next speaker is John Joseph
5 Budnick. I always enjoy your input, Mr.
6 Budnick.

7 MR. BUDNICK: Yes. A number of
8 years ago I used to live on John Street
9 right across the street from the Hicksville
10 Post Office.

11 Technically, there was no
12 sidewalk there. There are large large
13 areas, particularly in the eastern part of
14 the county where there are no sidewalks,
15 despite the fact there are ruts along the
16 side of the road that people use as
17 sidewalks. Somehow this has to be
18 addressed. I leave that in your hands but
19 it's a big big problem particularly the
20 further east you go in Nassau County, and
21 also the further north.

22 Second, you're talking about
23 commercial properties. Does that include
24 like church thrift stores? Churches
25 themselves? Other not for profit

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2 "businesses" such as, for example, Yes,
3 which is a business. It has people coming
4 in here and paying them. I don't know if
5 that's going to be considered for this
6 ordinance, commercial or not. There's a
7 need for clarification about that. I leave
8 that also in your hands.

9 The third thing, I have the
10 highest regard for the fire marshal's office
11 and the personnel in it. I don't think if
12 we have a three foot or two foot, or even a
13 one foot snow situation, that the number of
14 personnel that they have are going to be
15 sufficient to address it and I think that
16 consideration must be given to talking to
17 the police department, particularly in
18 reference to the parking enforcement agency
19 and the security officer personnel who are
20 already authorized to give appearance
21 tickets. I leave that also in your sound
22 hands.

23 My compliments, God bless you
24 all.

25 CHAIRMAN DUNNE: John, thank you

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2 so much. We will look at the New York State
3 code as their tenant so we will check into
4 it.

5 MR. MULHALL: The county code
6 needs to be perhaps updated on the web
7 because there are some things that are not
8 there that should be. I leave that in your
9 sound hands too.

10 CHAIRMAN DUNNE: Thank you, John.
11 There being no other comments, all in favor
12 indicate by saying aye.

13 (Aye.)

14 Any against?

15 (No verbal response.)

16 Passes unanimously.

17 Motion to adjourn.

18 LEGISLATOR FORD: So moved.

19 LEGISLATOR JACOBS: Second.

20 CHAIRMAN DUNNE: Motion to
21 adjourn by Denise Ford, seconded by Judy
22 Jacobs. All those in favor indicate by
23 saying aye.

24 (Aye.)

25 Any against?

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2 (No verbal response.)

3 We are finished. Towns and
4 Villages are next.

5 (Whereupon, the Public Safety
6 Committee adjourned at 2:24 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New
York, do hereby stated:

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of February, 2015.

FRANK GRAY